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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2001/54

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CONTENTS

		Paragraphs	Page
Executive summary			3
Introduction		1 - 3	4
I.	THE NORMATIVE FRAMEWORK ON INTERNAL DISPLACEMENT	4 - 54	4
	A. Development of the Guiding Principles	5 - 10	5
	B. Recent responses to the Principles	11 - 20	6
	C. Promotion, dissemination and application of the Principles	21 - 54	9
II.	TOWARD EFFECTIVE INSTITUTIONAL ARRANGEMENTS	55 - 80	18
	A. Senior Inter-Agency Network and OCHA Unit	62 - 67	19
	B. Complementarity between the Representative and the Network/Unit	68 - 80	20
III.	COUNTRY FOCUS	81 - 90	23
IV.	EXPLORING NEW ISSUES	91 - 96	25
V.	CONCLUSION	97 - 102	26

Executive summary

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights requested the United Nations Secretary-General to appoint a representative on internally displaced persons (Commission resolution 1992/73). Francis M. Deng (Sudan) was appointed to this position and, as with other special procedures of the Commission, serves in this capacity on a voluntary and part-time basis.

The Representative was requested to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, additional measures to strengthen implementation of these, and alternatives for addressing protection and assistance needs not adequately covered by existing instruments. The mandate of the Representative has since been renewed by the Commission four times (in resolutions 1993/95, 1995/57, 1998/50 and 2001/54). The Representative was requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention, and ways to strengthen protection, assistance and solutions for the internally displaced, and to do so through dialogue with Governments, intergovernmental, regional and non-governmental organizations, and by taking into account specific situations.

The present report reviews the work of the Representative since the report to the Commission at its fifty-seventh session (E/CN.4/2001/5 and Add.1-5).

The main report, in addition to a brief introduction, provides an overview of developments in the various areas of work of the mandate, specifically: the normative framework, in particular the promotion of the Guiding Principles on Internal Displacement; efforts towards an effective institutional framework; the country focus; and new issues explored through the agenda of research.

There are three addenda to the report. Addenda 1 and 2 consist of reports on the Representative's missions to the Sudan and Indonesia, respectively; addendum 3 is a report of a seminar on internal displacement in Indonesia, which was held in Jakarta in June 2001.

Introduction

1. The fifty-eighth session of the Commission on Human Rights marks the tenth anniversary of the Commission's involvement with the issue of internal displacement which began in earnest in 1992 with the establishment of the mandate of the Representative of the Secretary-General on internally displaced persons in Commission resolution 1992/73. As is the case with most anniversaries, there is some cause for celebration. In particular, the international profile of the problem has been raised to the extent that the needs of internally displaced persons are universally acknowledged and understood. More specifically, a normative framework has been developed for meeting the protection and assistance needs of the internally displaced, as reflected in the Guiding Principles on Internal Displacement, which are widely acknowledged as providing useful guidance to Governments and other relevant actors. In addition, the international humanitarian community and, in particular the Inter-Agency Standing Committee, continues to work towards more effective international institutional arrangements for responding to crises of internal displacement and a more coordinated response on the part of the United Nations. Furthermore, through his country missions, the Representative of the Secretary-General continues to draw attention to specific situations and dialogue with Governments and other pertinent actors on behalf of the internally displaced. Finally, through the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, which the Representative co-directs, research on various aspects of displacement continues to be conducted in support of the work of the mandate and to raise general awareness of the problem.

2. However, any celebration is tempered, and rightly so, by the realities on the ground. The global crisis of internal displacement remains grave, affecting some 20-25 million persons in at least 40 countries worldwide, forced from their homes by armed conflict, communal and generalized violence, and human rights violations. The displaced are often subject to physical and psychological dangers and deprived of basic needs. The latest evidence of this global crisis has been most graphically demonstrated in Afghanistan since October 2001, where the need to translate normative and institutional responses into effective field-based strategies for the protection, assistance and reintegration and development of the internally displaced remains a compelling challenge for the international community.

3. This report highlights the main developments over the past year in the four main areas of the mandate's activities: the normative framework on internal displacement; the institutional framework; the country focus; and exploring new issues through an agenda for research.

I. THE NORMATIVE FRAMEWORK ON INTERNAL DISPLACEMENT

4. As detailed in the previous reports to the Commission and the General Assembly, a central focus of the mandate since its inception has been the development of a normative framework for addressing the protection and assistance needs of internally displaced persons. Indeed, when the Commission on Human Rights first requested the Secretary-General to designate a Representative in 1992, one of the main tasks with which the Representative was charged was to examine existing international human rights, humanitarian and refugee law and standards, and their applicability to the protection and assistance needs of the internally displaced. In 1993, noting that the Representative had identified a number of tasks requiring

further attention and study, including the compilation of existing rules and norms, and the question of general principles to govern the treatment of internally displaced persons, the Commission, in resolution 1993/95, requested the Representative to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identifying, where required, ways and means of improving protection and assistance for internally displaced persons. The General Assembly welcomed this request and, in resolution 48/135, encouraged the Representative, through dialogue with Governments, to continue his review of the needs for international protection and assistance of internally displaced persons, including through a compilation and analysis of existing rules and norms.

A. Development of the Guiding Principles

5. Working with a team of experts in international law, in 1994 the Representative initiated the preparation of a two-part compilation and analysis of legal norms. The first part of the compilation (E/CN.4/1996/52/Add.2)[1] examined the relevant provisions of international law once people had been displaced. It concluded that, while existing law covered many aspects of relevance to the situation of internally displaced persons, there nonetheless existed significant gaps and grey areas where the law failed to provide sufficient protection. Emphasizing the need for better implementation of the relevant norms, the compilation made recommendations for addressing the identified gaps and grey areas with a view to ensuring a more comprehensive normative framework for the protection and assistance of the internally displaced. The second part of the compilation examined the legal aspects relating to protection against arbitrary displacement (E/CN.4/1998/53/Add.1).

6. Following submission of the first part of the compilation to the Commission in 1996, the Commission, in resolution 1996/52, requested the Representative on the basis of the compilation to develop an appropriate framework; in its view, the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating the specific rights of the displaced. As a result, the Representative and the legal team, which included experts from international agencies and organizations whose mandates were directly relevant to the needs of the displaced, began to develop a comprehensive normative framework of protection and assistance for the internally displaced in the form of guiding principles on internal displacement. The aim was not to create new law in the form of a treaty, but rather to restate existing international law which, while covering many aspects of relevance to internally displaced persons, was too dispersed and diffuse to be effective in ensuring protection and assistance to such persons. Throughout this process, the Representative kept the Commission and the General Assembly informed of progress made and both bodies encouraged him to continue his work in this area. Consultations were also held with representatives of United Nations agencies, regional intergovernmental organizations and non-governmental organizations (NGOs) involved with the internally displaced. A final meeting, hosted by the Government of Austria in Vienna in January 1998, widened the consultative process still further and included legal experts from the various geographic regions as well as representatives from a broad cross-section of relevant United Nations and other international agencies, regional organizations and NGOs.

7. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which consolidate the numerous norms relevant to the protection and assistance of internally displaced persons, were presented to the Commission on Human Rights in 1998. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Principles set forth the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement, providing protection against arbitrary displacement; protection and assistance during displacement; and during return or resettlement and reintegration. The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide. To this end, they provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

8. Soon after their finalization, the Inter-Agency Standing Committee (IASC), composed of the heads of the major humanitarian, human rights and development agencies and organizations, at its meeting of 26 March 1998, adopted a decision welcoming the Guiding Principles and encouraging its members to share them with their executive boards and their staff, especially those in the field, and to apply them in their activities on behalf of internally displaced persons.

9. The following month, in resolution 1998/50, adopted without a vote and sponsored by 55 States, the Commission noted the progress made by the Representative in developing a legal framework, in particular the compilation and analysis of legal norms and the development of the Guiding Principles. It took note of the Guiding Principles, noted with interest the IASC decision, and also took note of the stated intention of the Representative to make use of the Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to report on his efforts in this regard and the views expressed to him.

10. During the following two years, the Commission and the General Assembly, in resolutions adopted by consensus, welcomed the fact that the Representative had made use of the Guiding Principles in his dialogues with Governments and intergovernmental and non-governmental organizations and requested him to continue his efforts in that regard. They also welcomed the dissemination and application of the Principles by intergovernmental, regional and non-governmental organizations. In 2001, both the Commission and the General Assembly noted with appreciation that an increasing number of States, United Nations agencies and regional and non-governmental organizations were making use of the Guiding Principles and encouraged their further dissemination and application (see below).

B. Recent responses to the Principles

11. Just as the Representative has kept the Commission and the General Assembly informed of the progress in developing the normative framework, he has also regularly reported on the views expressed on the Guiding Principles by Governments and intergovernmental and non-governmental organizations, and on the efforts taken by them to promote, disseminate and apply the Guiding Principles (E/CN.4/1999/79, paras. 14-34; E/CN.4/2000/83, paras. 7-35; E/CN.4/2001/5, paras. 13-61).

12. At consecutive sessions of the Commission on Human Rights since 1998, a number of States have spoken positively of the contribution of the Guiding Principles to helping concerned actors to meet the protection and assistance needs of internally displaced persons (as reported in E/CN.4/2000/83 and E/CN.4/2001/5). At the fifty-seventh session of the Commission, several States expressed their views on the Guiding Principles. The representative of Switzerland noted that the Principles were extremely relevant and important in responding to internal displacement. The representative of Austria referred to the Principles as constituting an important tool for Governments, international, regional and non-governmental organizations and other actors when faced with situations of internal displacement. Moreover, the Austrian Government was encouraged to see the United Nations system and an increasing number of States applying the Principles on the ground, and as such noted that the Principles had gained broad international recognition. Recalling its comments at the Commission's previous session, the representative of India, while noting that the Guiding Principles were not legally binding, also recognized that they could serve as useful guidelines for States when required. The Indian Government did not, however, consider development-induced displacement, cited in the Principles, as falling within the international domain. Finally, the representative of Georgia stated that the Principles were a useful instrument for protecting the rights of internally displaced persons and informed the Commission that the Government was taking steps to bring certain national legislative provisions into line with the standards contained in the Principles. The representative of Georgia was also one of three government panellists to participate in an open meeting at the Commission on using the Guiding Principles. In that meeting, the representatives of the Governments of Angola and Burundi also explained how their Governments were using the Guiding Principles as a basis for domestic law and policy.

13. Reference to the utility of the Principles was also made by a number of States during the third humanitarian segment of the Economic and Social Council which took place in Geneva in July 2001. The Secretary-General, in his report to the Council on strengthening the coordination of emergency humanitarian assistance of the United Nations, referred to the efforts of his Representative in raising the profile of the Guiding Principles, noting in this regard that the Guiding Principles had been reflected in a Constitutional Court decision in Colombia, in new legislation on the return and resettlement of displaced persons in Angola and in legislation to be introduced in Georgia on voting rights for the internally displaced (A/56/95-E/2001/85, para. 55).

14. While the representative of Egypt expressed concern that the Principles had not been formally adopted and the representative of India pointed out that the Principles did not have intergovernmental approval, other States expressed support for the Guiding Principles as a normative standard for internally displaced persons and pointed to their value as guidelines to national authorities in addressing the needs of the internally displaced. The representative of Belgium, in a statement made on behalf of the European Union (EU) member States and countries associated with the EU, specifically Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, reiterated support for the Guiding Principles, noting their use in Colombia, Angola and Georgia, which demonstrated the merit of the Principles and the fact that they were becoming a reference as regards displaced persons. The representative of the United States, noting that primary

responsibility for meeting the assistance and protection needs of the displaced rested with the national authorities concerned, also emphasized, as recognized by the Council in its agreed conclusions in 1999, that all States should apply internationally recognized norms with regard to internally displaced persons. In this regard, the United States Government expressed its continuing support for the work of the Representative in promoting the Guiding Principles as the normative standard for internally displaced persons. The representative of South Africa concurred with the emphasis that responsibility for assistance and protection of internally displaced persons rested primarily with the national authorities. In cases where national authorities were unable or unwilling to assist their displaced population, however, it was incumbent on the United Nations to strengthen international coordination and response efforts on their behalf, to be effected in conjunction with the State concerned and on the basis of the Guiding Principles. The representative noted that this was increasingly the case, citing the example of Angola in the southern African region.

15. The World Conference against Racism, Racial Discrimination, Xenophobia and Religious Intolerance, held in Durban, South Africa, in September 2001, also underlined the important role that States ascribe to the Guiding Principles. Indeed, the Programme of Action that was adopted at the Conference includes several provisions relating to the protection of internally displaced persons and encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the Guiding Principles on Internal Displacement, in particular those provisions relating to non-discrimination.

16. At the fifty-sixth session of the General Assembly, during the Third Committee debate on refugees, returnees and displaced persons, the representative of Belgium, on behalf of the EU member States, reiterated the EU's support for the Guiding Principles, referring to them as the benchmark with regard to the protection of and assistance to internally displaced persons and appealing also for their general application. The representative of Algeria asked whether the broad application of the Principles might be enhanced through their being discussed in an intergovernmental forum. In a written response submitted to the Third Committee on behalf of the Representative of the High Commissioner for Human Rights at Headquarters, the Representative of the Secretary-General replied that considering that the Guiding Principles had been developed in response to successive requests from the Commission and the General Assembly and the wide support they had received since their presentation to those and other appropriate United Nations bodies, it would not be strictly correct to assume that they had not been discussed in pertinent intergovernmental bodies, even though formal adoption was not called for, given their nature as guidelines restating existing law. The Representative also noted the growing application of the Principles by Governments, intergovernmental organizations, regional bodies and NGOs. In particular, he pointed to the growing number of regional intergovernmental bodies discussing and taking note of the Principles. The Organization of African Unity Commission on Refugees in 1999, for example, had adopted a proposal put forward by the representative of Algeria to take note of the Principles "with interest and appreciation". Virtually all speakers at the OAU session had expressed appreciation for the Representative's preparation of the Principles and, at the recommendation of the representative of the Sudan, a call was made for increased awareness in Africa of the Principles.

17. During the Third Committee's subsequent consideration of the draft resolution on protection of and assistance to internally displaced persons, the representative of Egypt called upon the Representative to consult with Governments on the Principles and to report to the General Assembly on the views expressed to him. The representatives of India, the Sudan and the Syria Arab Republic called attention to the non-binding nature of the Principles as they had not been formally negotiated or adopted by an intergovernmental forum. In this connection, the representative of India expressed appreciation that the Representative had met with a number of Governments and intended to broaden and intensify his consultations with States on the Guiding Principles.

18. The Representative of the Secretary-General continued to hold meetings with a number of Governments on the Guiding Principles, including the Governments of Algeria, Egypt and the Sudan. During his visit to the Sudan in September 2001, members of the Government expressed support for the development of a national policy and strategy on internal displacement and agreed to undertake a comprehensive study which would review current government policy and develop cooperative strategies in light of the Guiding Principles and United Nations institutional arrangements (see addendum 1). During the Representative's visit to Indonesia in September 2001, he also discussed the Principles with senior government officials (see addendum 2), and during a visit to Nigeria in August 2001, he held discussions about the Principles with the President and the Permanent Secretary in the Ministry for Foreign Affairs.

19. On 19 December 2001, the General Assembly adopted by consensus resolution 56/164 on protection of and assistance to internally displaced persons, co-sponsored by 64 States from Africa, Asia, the Americas and Europe and reflecting a broad geographical distribution. The Assembly welcomed the fact that the Representative had made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations. It noted with appreciation that an increasing number of States, United Nations agencies and regional and non-governmental organizations were making use of the Guiding Principles and encouraged their further dissemination and application. It also expressed appreciation for the dissemination and promotion of the Principles at regional and other seminars on displacement, and encouraged the Representative to continue to initiate or support such seminars in consultation with regional, intergovernmental and non-governmental organizations and other relevant institutions. Finally, it encouraged the Representative to provide support for efforts to promote capacity-building and use of the Guiding Principles.

20. Resolution 56/172, adopted by the General Assembly by consensus on the situation of human rights in parts of South-Eastern Europe, also made reference to the Guiding Principles. In the first preambular paragraph, the Guiding Principles are included in a list of international and regional human rights and humanitarian standards guiding the General Assembly.

C. Promotion, dissemination and application of the Principles

21. As noted in the Representative's previous reports to the Commission, and in accordance with requests by the Commission and the General Assembly, significant efforts to promote, disseminate and apply the Principles are being undertaken at the national, regional and international levels by Governments, national and international NGOs and intergovernmental organizations.

1. National level

22. At the national level, a number of developments have taken place as concerns the promotion and application of the Principles since the last session of the Commission. Of particular note are ongoing developments with regard to the protection of internally displaced persons in Angola. As noted in the previous report to the Commission, the Guiding Principles formed the basis for minimum standards for the resettlement of internally displaced persons, developed by the Government in cooperation with United Nations agencies in the summer of 2000. In October 2000 these standards were adopted in a decree of the Council of Ministers, signed by President dos Santos, as norms on the resettlement of internally displaced persons, a preambular paragraph of which states that the Guiding Principles establish general principles governing the treatment of internally displaced persons. Since that time, and subsequent to the Representative's mission to the country in October 2000, significant steps have been taken by the Government and the United Nations in developing a national strategy for the protection of internally displaced persons which includes efforts to promote and implement the Guiding Principles.

23. A particularly innovative aspect of this strategy, and one which the Representative believes could be usefully emulated elsewhere, is the development of provincial protection plans which involves a joint Government-United Nations training group composed of representatives from the military, the judiciary, the Attorney-General's Office, the national police, the Ministry for Social Assistance and Reintegration (MINARS), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs (OCHA). The group conducts protection training in the provinces with the aim of assisting its counterparts at the provincial level to develop provincial protection plans. Participants identify the specific problems in their province on the basis of the Guiding Principles and the steps which need to be taken, and by whom, to address these problems. The results of this process are incorporated into a protection plan specific to that particular province which is adopted by the participants on the basis of consensus and signed by the provincial governor. Implementation of the plans is monitored at the provincial level by OCHA-led teams and at the national level by a joint technical group composed of United Nations agencies. In addition, the plans themselves provide for the establishment of human rights committees to monitor and promote their implementation.

24. To support these efforts the United Nations country team has also established a system for collecting information and monitoring the conditions of the internally displaced at the provincial level. The system involves regular interviewing with displaced persons in camps by OCHA field advisers using a questionnaire based on the above-mentioned Norms on Resettlement and the Guiding Principles.

25. These efforts were further strengthened in November 2001 at a five-day workshop conducted jointly by UNHCR, OCHA and the Human Rights Division (HRD) of the United Nations Office in Angola which provided training to senior officers and provincial humanitarian coordinators of the Government's Technical Unit for Coordination of Humanitarian Assistance (UTCAH), as well as 10 OCHA national officers and 5 HRD national officers, on monitoring compliance at the field level with international and national human rights

standards, including the Guiding Principles. Training was provided by senior staff of United Nations agencies and also senior technical staff from MINARS, UTCAH and the Attorney-General's Office. The opening session of the workshop included statements from the Minister for Social Assistance and Reintegration, the Minister of Justice, the Attorney-General and the United Nations Humanitarian Coordinator.

26. As noted in the Representative's report to the fifty-sixth session of the General Assembly (A/56/168, para. 21), following a mission by the Senior Inter-Agency Network on Internal Displacement, the Government of Burundi, in collaboration with the United Nations country team, in February 2001 established a permanent framework for the protection of internally displaced persons. The framework comprises two bodies - the Committee for the Protection of Displaced Persons, and the Technical Group for Follow-Up - whose monitoring and remedial actions in support of the displaced are to be undertaken within the framework provided by the Guiding Principles.

27. A number of Governments continue to request or participate in training and other seminars on the Guiding Principles, in particular within the context of the training programme on the Principles organized by the Global IDP Project of the Norwegian Refugee Council (NRC). Subsequent to the Representative's previous report to the Commission, in which reference was made to NRC training workshops in Angola and Georgia, additional such workshops have been undertaken in Sierra Leone, Colombia, Liberia, Burundi and India, aimed at personnel from the relevant government ministries and departments as well as staff from national and international NGOs and United Nations agencies. The training workshop in Colombia, held in May 2001, was aimed specifically at 43 recently elected members of the Municipal Ombudsman's Office in the province of Antioquia, the region most affected by internal displacement. The municipal ombudsmen play a key role in the implementation and enforcement of domestic legislation on internally displaced persons.

28. In addition to such NRC training workshops, the Representative continues to initiate or support national workshops on the Guiding Principles. In June 2001 a seminar on internal displacement was held in Indonesia with a view to raising the visibility of the problem and identifying ways to improve the national and international response with reference to the Guiding Principles. The seminar was co-sponsored by the Brookings-CUNY Project on Internal Displacement, the Center for Research on Inter-group Relations and Conflict of the Faculty of Social and Political Sciences of the University of Indonesia, the National Commission on Human Rights, OCHA, the United Nations Development Programme (UNDP) and UNHCR. It was attended by more than 130 participants from throughout Indonesia, including government officials, and representatives of United Nations agencies, international organizations, local and international NGOs and research institutions. The Coordinating Minister for Political, Social and Security Affairs opened the seminar at a ceremony also attended by several government officials, diplomats and representatives of the media. The recommendations and report of the seminar are contained in addendum 3 to the present report.

29. It will be recalled that national level workshops were also to be held during the Representative's mission to the Sudan which was originally due to take place in May 2001. Two workshops were planned, one in Khartoum and co-sponsored by UNDP and the Brookings-CUNY Project, and the other in the south of the Sudan, in Rumbek, also in

collaboration with UNDP and the Brookings-CUNY Project. As the Representative noted in his report to the fifty-sixth session of the General Assembly, at the last moment, the Government decided against holding the workshops, but invited the Representative to visit the country in order to discuss the situation, with a view to agreeing on alternative plans for the workshops. Thus, the September mission focused ostensibly on discussing with the Government the possibility of convening a seminar on internal displacement in the Sudan, to be held in Khartoum in the first half of 2002. The seminar will provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community. As detailed in addendum 1 to the present report, the Government was receptive to this initiative and it is hoped that the workshop will proceed in April 2002.

30. As reported to the last session of the Commission and the General Assembly, for non-governmental organizations at the national level, the Guiding Principles have become an important vehicle for bringing about improved treatment for internally displaced persons, and they are actively using them in countries throughout the world to monitor and assess the needs of the internally displaced and advocate on their behalf. It will be recalled that as follow-up to the regional workshop on internal displacement in the South Caucasus that was convened in Tbilisi, in May 2000, co-sponsored by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe, the Brookings Project and the NRC, the ODIHR, the Georgian Young Lawyers Association and the Brookings Project agreed to support a project, to be undertaken by groups of local lawyers, to review national legislation and administrative procedures in Armenia, Azerbaijan and Georgia on the basis of the Guiding Principles and then to assess the extent to which reforms might be needed in the laws and regulations to achieve compliance with international standards. In October 2001, the report of the Armenian lawyers' group was discussed at a meeting in Yerevan, attended by the lawyers concerned and representatives of the Government of Armenia, the ODIHR, and international experts and non-governmental organizations. Similar meetings in Georgia and Azerbaijan are to be held in 2002.

31. In Sri Lanka, the Consortium of Humanitarian Agencies, a group of more than 50 NGOs, has been conducting an outreach programme based on the Guiding Principles among government officials, international organizations, international and national NGOs and displaced communities. To this end, it has published a "Toolkit" in English, Sinhala and Tamil, as well as a variety of other training materials for use in ongoing workshops and round tables. In Colombia, too, an outreach programme is being developed by NGOs on the basis of the Guiding Principles.

32. In the former Yugoslav Republic of Macedonia, from 31 May to 4 June 2001, the Centre for Refugees and Forced Migration Studies of the University of Skopje, in collaboration with the Brookings-CUNY Project, organized a lecture series entitled "Exodus within borders: the global crisis of internal displacement". The lectures, which were given by experts from academic and research institutions, international organizations and non-governmental organizations, sought to raise the visibility of the problem of internal displacement in the Balkans region and gave

particular attention to the Guiding Principles. Audiences included government officials, international organizations, regional organizations, international, regional and national military and police, non-governmental organizations, academics, experts and students. Television, radio and newspapers featured the series. In December 2001, the Proceedings were published and widely disseminated. Members of the lecture team also went on to Bulgaria and Albania to hold meetings. The Macedonian portion of the lecture series was co-sponsored by the Institute for Sociological, Political and Juridical Research of the University of Skopje, UNHCR-Skopje and the Open Society Institute. The Bulgarian portion was co-sponsored by UNHCR-Sofia, the Bulgarian Red Cross, the Refugee Agency and the Bulgarian Helsinki Committee; and the Albanian portion was sponsored by the Centre for Refugee and Migration Studies in Tirana.

33. National human rights institutions continue to constitute an important forum for the promotion of the Guiding Principles. It will be recalled that at the regional Conference on Internal Displacement in Asia (Bangkok, February 2000) it was proposed that national human rights institutions should focus on the rights of the internally displaced, press for the observance of the Guiding Principles and promote specific steps to protect internally displaced persons. In August 2000, the Asia Pacific Forum for National Human Rights Institutions expressed support for a greater role for those bodies with the internally displaced and during its Sixth Annual Meeting, held in Sri Lanka in September 2001, Forum members specifically discussed the relevance of the Guiding Principles to their work. In their concluding statement Forum members welcomed the opportunity to share their experiences on the internal displacement issue and requested the secretariat of the Forum to seek funds for national institutions that request assistance for their work on the issue.

34. At the second Conference of Euro-Mediterranean National Institutions for the promotion and protection of human rights,[2] attended by institutions from Albania, Croatia, Cyprus, France, Greece, Italy, Morocco, Palestine, Portugal and Tunisia, held in Athens in November 2001, the institutions reiterated their commitment to promoting and supervising the implementation of human rights protection in accordance with the international human rights obligations undertaken by States, particularly concerning migrants, asylum-seekers, refugees and displaced persons.

35. The Representative intends to further explore possibilities for strengthening his cooperation with national human rights institutions and regional and international networks of national institutions, including with the International Coordinating Committee on National Institutions established pursuant to the recommendations of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, convened in Tunis in December 1993 and welcomed by the Commission on Human Rights in resolution 1994/54.

36. To assist in the promotion, dissemination and application of the Guiding Principles at the national level, and indicative of their increasing use and relevance in different parts of the world, the Principles continue to be translated into an increasing number of languages. To facilitate dissemination, these translations are being posted on the web site of the Office of the High Commissioner for Human Rights (OHCHR). Initially made available in all the official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish) for

their submission to the Commission in 1998, the Principles have since been translated into a number of local languages relevant to particular situations of internal displacement: Albanian; Armenian; Azerbaijani; Bahasa (Indonesia); Georgian; Burmese and Sgaw Karen (Myanmar); Dari and Pashtu (Afghanistan); Macedonian; Portuguese (Angola); Sinhala and Tamil (Sri Lanka); and Turkish. Their translation into Abkhazian (Georgia), Chin (Myanmar), Tagalog (Philippines) and Tetum (East Timor) is under way and interest has been expressed from various quarters to translate the Principles into other local languages such as Gulu (Uganda), Kurdish and Dinka (Sudan). Efforts to translate and publish the Principles have been undertaken at the initiative of a variety of actors - the United Nations and its agencies, international and local NGOs and Governments, often working in partnership. Support for additional such efforts may be available from OHCHR in the framework of technical cooperation projects.

37. In addition to the translation and dissemination of the Principles, efforts are also focusing on the translation of the Handbook for Applying the Guiding Principles, published by OCHA and the Brookings Project in 1999 and which, it will be recalled, aims to spell out the meaning of the Guiding Principles in non-technical language and facilitate their practical application. While the Handbook was originally published in English only, the importance of further empowering local NGOs and displaced communities and the need to develop outreach strategies has underlined the need also to translate the Handbook into at least all the United Nations official languages and other local languages. With support from the Schurgot Foundation, the Brookings-CUNY Project has arranged for the translation of the Handbook into French and Russian, both of which will be published by the United Nations. The Pan-American Health Organization and local NGOs in Colombia have translated the Handbook into Spanish.

38. In Indonesia, OCHA, in cooperation with the Brookings-CUNY Project, is facilitating the translation of the Handbook into Bahasa and encouraging an outreach campaign around the Principles and the Handbook, being developed by Oxfam and a local NGO.

39. In the former Yugoslav Republic of Macedonia, following the lecture series on internal displacement noted above, the Centre for Refugees and Forced Migration Studies, with the support of UNHCR and the Brookings-CUNY Project, translated the Principles, as well as the Handbook and the Manual on Field Practice in Internal Displacement, into the Macedonian and Albanian languages. In September 2001, it held a round table to raise awareness of these documents among Government officials, international organisations, NGOs, and academics in Macedonia.

40. It is the hope of the Representative that such initiatives will be replicated elsewhere, with support from United Nations agencies, international NGOs and research and academic institutions.

2. Regional level

41. Regional organizations continue to devote attention to the promotion and application of the Principles. Both the General Assembly and the Commission have noted with appreciation that regional organizations are making use of the Guiding Principles in their work and have encouraged their further dissemination and application, in particular through seminars in

collaboration with the Representative. Both the General Assembly and the Commission have welcomed initiatives undertaken by the Organisation of African Unity (OAU), now the African Union (AU), the Economic Community of West African States (ECOWAS), the Organization of American States (OAS) and the Organization for Security and Cooperation in Europe (OSCE).

42. The African Union, it will be recalled, has taken note of the Guiding Principles "with interest and appreciation" and in 1998 co-sponsored a seminar on their use in Africa. The recommendations of that seminar as well as the text of the Guiding Principles are included in the Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa 1963-1999, which was published jointly by the OAU and UNHCR in 2000 to commemorate the thirtieth anniversary of the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa.

43. At the subregional level, it will be recalled that in April 2000, ECOWAS ministers adopted a declaration at the Conference on War-Affected Children in West Africa, held in Ghana and co-hosted by the Governments of Ghana and Canada, which welcomed the Guiding Principles and called for their application by ECOWAS member States. This declaration was subsequently adopted at the ECOWAS Summit of Authority of Heads of State and Government, held in Bamako, in December 2000. Building on this momentum, in August 2001, the Representative held consultations with senior officials at the ECOWAS secretariat in Abuja, including with the Executive Secretary of the organization, Ambassador Kouyate, to discuss the possibility of convening a regional seminar on internal displacement in West Africa and the application of the Guiding Principles. Ambassador Kouyate and other officials, stressing the extent of the problem of internal displacement in the region, welcomed this initiative and further consultations are under way between the Office of the Representative and the ECOWAS secretariat with a view to convening such a seminar during 2002.

44. In the Americas, the Inter-American Commission on Human Rights of the OAS and its Rapporteur on internally displaced persons have regularly been applying the Principles in their work, monitoring conditions in different countries in terms of the Principles. Most recently, in April 2001, the Inter-American Commission published its fifth report on the situation of human rights in Guatemala. In the chapter concerning displaced persons, the Commission noted that the Guiding Principles serve as the most comprehensive statement of the norms applicable to the internally displaced. The Commission further recalled that the Principles provide authoritative guidance on how the law should be interpreted and applied during all stages of displacement, noting in the case of Guatemala, the relevance of principles 28-30 concerning return, resettlement and reintegration.

45. Within the European region, the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) have continued to focus on the application of the Principles. It will be recalled that in September 2000, ODIHR, in conjunction with the Government of Austria in its capacity as Chairperson-in-Office of the OSCE, convened a Supplementary Human Dimension Meeting on Migration and Internal Displacement, at which the Representative gave a keynote address. A principal goal of the seminar was to elaborate ways in which OSCE institutions, field operations and participating States could enhance their response to internal displacement, in

particular through the practical application of the Guiding Principles. Among its recommendations, the meeting called for the integration of internal displacement into the activities of the OSCE, using the Principles as a framework for doing so.[3]

46. The recommendations of the Vienna meeting were revisited in September 2001 at the OSCE's Human Dimension Implementation Meeting, held in Warsaw. During a working session focusing on freedom of movement, including displaced persons, a statement delivered on behalf of the Representative recalled the recommendations of the Vienna meeting and noted the importance of the present meeting as an opportunity to reaffirm those recommendations and to call for their translation into practical measures to ameliorate the plight of Europe's internally displaced. Statements in support of an enhanced OSCE role with the internally displaced were also made by the Governments of Azerbaijan, the Federal Republic of Yugoslavia and Norway, as well as by the Norwegian Refugee Council (NRC) and the Helsinki Federation. In addition, written recommendations submitted to the meeting by UNHCR encouraged participating States to make a particular effort to support the internally displaced and in doing so to adopt the Guiding Principles as their yardstick.

47. Prior to the working session on freedom of movement, NRC organized a panel discussion on internal displacement in the OSCE region. The meeting, in which the Office of the Representative participated, was well attended by a number of representatives of OSCE participating States and NGOs, and included discussion of the development and reception of the Guiding Principles.

48. The Warsaw meeting heard calls from the GUAMM States (Georgia, Uzbekistan, Ukraine, Azerbaijan and the Republic of Moldova) for the appointment of an OSCE adviser on refugees and internally displaced persons within ODIHR, tasked with collecting information on acute problems of refugees and displaced persons in the OSCE area and formulating, through the Director of ODIHR, appropriate recommendations to the Permanent Council for action by the OSCE. It is the hope of the Representative that the OSCE in future will give serious consideration to the appointment of a focal point on internally displaced persons and will use the Guiding Principles more formally as a framework for its activities in this area.

49. Also at the European level, the Council of Europe has become increasingly engaged with the internal displacement issue, in particular through the activities of the Parliamentary Assembly and its Committee on Migration, Refugees and Demography, which have sought to address situations of internal displacement, for example, by undertaking fact-finding missions to displacement-affected countries and recommending respect for the Guiding Principles.[4] In September 2001, the Committee held a seminar in Geneva on internal displacement in Europe and the application of the Guiding Principles, co-hosted by the Representative, the Office of the High Commissioner for Human Rights and the Brookings-CUNY Project on Internal Displacement. The Representative has since been informed by the Committee's Chairman that as follow-up to the seminar a report is to be drawn up containing recommendations to Council of Europe member States in support of the Guiding Principles, including a possible recommendation from the Parliamentary Assembly to the Council's Committee of Ministers that it invite member States to observe the Guiding Principles and include their provisions in national legislation if this has not yet been done.[5]

3. International level

50. In addition to what was reported earlier, the Commission on Human Rights has consistently emphasized the importance of integrating the internal displacement issue into the activities of its special procedures (country and thematic) and the human rights treaty bodies and for them to include relevant information and recommendations in their reports. A number of the Commission's special procedures have begun and continue to refer to the Guiding Principles in their reports and statements and also in the context of urgent appeals. The human rights treaty bodies, for their part, have become increasingly seized with the displacement issue and the Guiding Principles. In particular, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have continued to recommend in relevant cases that States parties to the respective conventions give effect to the provisions contained in the Guiding Principles.

51. OHCHR continues to be engaged in the promotion, dissemination and application of the Principles. The High Commissioner for Human Rights uses the Principles in her advocacy efforts in regard to specific country situations and has also referred to them in relation to specific thematic concerns regarding the internally displaced. To further enhance the promotion and protection of the rights of internally displaced persons worldwide, OHCHR has included a project on internally displaced persons in its Annual Appeal for 2002. Among the activities envisaged in the project is the promotion and further integration of the internal displacement issue into the work of the treaty bodies and special procedures, including convening a half-day workshop on the Guiding Principles for independent experts and their staff in conjunction with the annual meetings of the treaty bodies and special procedures. Another key component is the translation and publication of the Guiding Principles into local languages in countries with problems of internal displacement. Though modest in financial requirements (US$ 50,000), the project stands to make an important contribution to the further promotion, dissemination and application of the Guiding Principles.

52. Prior to the fifty-second session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR), in October 2001, UNHCR hosted its annual pre-EXCOM meeting with NGOs. The three-day meeting included a panel discussion on the implementation of the Guiding Principles, with presentations by the Special Coordinator of the Senior Inter-Agency Network on Internal Displacement, the Office of the Representative, as well as representatives of UNHCR, the ICRC and the NRC. The panellists underlined the value of the Guiding Principles as a tool for the dissemination of standards and training relating to the treatment of internally displaced persons. It was also underlined that the implementation of the Principles at the field level remains the main challenge and that in this regard, NGOs were playing an indispensable role in their promotion and dissemination.

53. Both the Senior Inter-Agency Network on Internal Displacement and the new Unit on Internal Displacement established within OCHA have made the Guiding Principles their framework (see below). The Representative looks forward to the Unit's training and dissemination programmes, based on the Principles, currently being planned (see below).

54. To conclude, the Guiding Principles have clearly come to constitute an important guide for Governments, international organizations, regional bodies and NGOs in their work on behalf of the displaced. They are also becoming an empowerment tool for displaced populations. Consistent with the central role of dialogue in the implementation of the mandate, the Representative intends to broaden ongoing consultations with States (reported above in I.B) in order further to explore their concerns and how best to apply the Principles in support of internally displaced persons.

II. TOWARDS EFFECTIVE INSTITUTIONAL ARRANGEMENTS

55. Another key component of the mandate since its inception has been making suggestions and recommendations on the institutional aspects of the international response for providing protection and assistance to internally displaced persons, on which the Representative has reported regularly. It will be recalled that among the various options originally presented by the Representative were the creation of a special agency for the internally displaced, the designation of an existing agency to assume full responsibility for the internally displaced, and collaboration among the various relevant agencies. While the last option has become the preferred one for the international community it has not always proven adequate, especially in the area of protection of physical safety and human rights. Although important steps towards remedying this state of affairs were taken in accordance with the Secretary-General's 1997 Programme for Reform - in particular, the assigning to the Emergency Relief Coordinator the responsibility for ensuring that the protection and assistance needs of internally displaced persons are more effectively addressed within the inter-agency framework - the response to specific situations of internal displacement nonetheless remains ad hoc and still largely focused on assistance.

56. Steps have been taken by the IASC, with the active involvement of the Office of the Representative, to attempt to further reinforce the effectiveness of the collaborative approach. As reported previously, in order to clarify responsibilities for the internally displaced within this framework, "Supplementary guidance to humanitarian/resident coordinators on their responsibilities in relation to internally displaced persons" was prepared and subsequently adopted by IASC principals in April 2000. The document consolidates earlier policy guidelines, recalling the different levels of international responsibility for internally displaced persons. In particular, it restates the responsibility of the humanitarian/resident coordinator or the country director of the lead agency (if designated) for the strategic coordination of the United Nations response to the needs of internally displaced persons. In addition, the humanitarian/resident coordinators or country directors are given responsibilities in the area of advocacy, in particular to engage in dialogue with national and local authorities to impress upon them their primary responsibility for protecting and assisting internally displaced persons. Furthermore, in support of the Representative's advocacy role, the humanitarian/resident coordinators or country directors are expected to advise on possibilities for the Representative to engage in dialogue with the authorities and with the international community in support of protecting and assisting internally displaced persons.

57. As noted in the Representative's previous report to the Commission but of continuing relevance, the main value of the "Supplementary guidance" document lies in recalling and highlighting long-standing responsibilities and in placing emphasis on accountability for their

effective fulfilment. Accordingly, implementation of the guidance, in particular with regard to protection, will need to be closely monitored. It should also be noted that at its meeting in November 2001, the IASC Working Group agreed to revise the terms of reference of humanitarian coordinators, noting that there were several areas where these could be strengthened, including in regard to issues concerning internally displaced persons. The Office of the Representative intends to be actively involved in this process.

58. It will be recalled that the IASC has sought also to clarify the role of IASC members in providing protection and assistance to internally displaced persons. Indeed, although it is widely recognized that protection, together with assistance and solutions, is essential to an effective response to humanitarian crises, protection remains an ill-addressed component of a comprehensive response to internal displacement. Part of the problem, the Representative had been told, was a lack of conceptual clarity as to the meaning of "protection". Accordingly, the Representative, together with the High Commissioner for Human Rights and the Emergency Relief Coordinator, set out to clarify the meaning of "protection" as regards the internally displaced. A joint paper prepared by their offices and presented to the IASC Working Group subsequently became the basis for an IASC-wide policy paper on the issue, adopted by the IASC in December 1999.

59. The policy paper constitutes a core document for the IASC in its response to internal displacement and an important basis for strategy development. The challenge, however, is that of giving practical effect to the various strategic types of protection activity that the paper outlines. In this regard, the Representative was concerned to find during his recent missions to some countries that United Nations country teams were not familiar with, and possibly not even aware of the existence of the policy paper. This concern was raised at the meeting of the IASC Working Group in October 2001, at which the decision was taken to resend the protection policy paper and other relevant documents to resident/humanitarian coordinators as soon as possible.

60. Further, the IASC Working Group developed a training package, consisting of six modules, for middle-level management and field-level programme staff of United Nations agencies and other international agencies to enhance their response to the protection, assistance and development needs of internally displaced persons.

61. Notwithstanding such efforts, concerns continued to be raised, especially beginning in 2000, with regard to the ad hoc and largely assistance-focused response of the international community. In response, the IASC acknowledged that the collaborative approach needed to be further improved in order to address more effectively the protection and assistance needs of the internally displaced.

A. Senior Inter-Agency Network and OCHA Unit

62. To this end, and as reported to the Commission last year, the Senior Inter-Agency Network on Internal Displacement was established by the IASC in September 2000 and charged with undertaking reviews of selected countries with internally displaced populations and to make proposals for an improved inter-agency response to their needs. The country reviews were also to provide the basis for longer-term recommendations to strengthen future response. The Guiding Principles provide the frame of reference for the review process.

63. Headed by a special coordinator, the Network comprises senior focal points from participating member agencies and standing members of the IASC. Its terms of reference accord a special role to the Representative in view of his global advocacy function and expertise, and the special coordinator is to seek his advice with regard to all activities and to liaise closely with him. The office of the Representative is thus an active member of the Network.

64. The process of country reviews began with inter-agency missions to Ethiopia and Eritrea in October 2000 and to Burundi in December. During 2001, the Network undertook missions to Angola, Afghanistan and Colombia. The office of the Representative participated in both the Angola and Colombia missions. The special coordinator also undertook a preliminary mission to Indonesia in October 2001 with a view to discussing with the Government and the United Nations country team the prospects for a full Network mission to that country.

65. In April 2001, on the basis of the findings of those missions undertaken between October and March 2000, and following consultations among members and standing members of IASC, the special coordinator presented his interim report to the Emergency Relief Coordinator which outlined proposals for a strengthened inter-agency response in the field and for strengthened support capacity at headquarters level. Specifically, it proposed the establishment within OCHA of a dedicated unit for coordinating United Nations activities regarding internally displaced persons, to be staffed by personnel seconded from international agencies and NGOs. The Unit would provide expertise, training and guidance to country teams and humanitarian agencies working in the field, undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of internally displaced persons and make recommendations for improved response. The Unit would also support the global advocacy efforts of the Representative. In May 2001, the Network's proposals were approved by the Secretary-General, and by the beginning of 2002 the Unit had become fully operational with a staff of seven persons under the special coordinator.

66. By December 2001 secondments to the Unit had been forthcoming from UNICEF, UNHCR, the International Organization for Migration and the NGO consortia on a non-reimbursable basis; UNDP on the basis of a cost-sharing arrangement; and the World Food Programme on a reimbursable basis. Discussions are also ongoing with the Representative about seconding someone to the Unit and with other IASC members, including OHCHR, to identify ways in which they can best support the unit.

67. Following the establishment of the Unit, it is envisaged that the Senior Network will continue to meet on a regular basis to examine issues related to internal displacement and to provide guidance and advice to the Unit as appropriate. It may also be called upon to undertake inter-agency initiatives, including missions to displacement-affected States if appropriate.

B. Complementarity between the Representative and the Network/Unit

68. The establishment of the Network/Unit has elicited questions about the differences and similarities between this new entity and the office of the Representative, both of which are mandated to promote greater responsiveness to the needs of internally displaced persons.

69. The mandate of the Representative, it will be recalled, initially established by the Commission on Human Rights in 1992, was to study the causes and consequences of internal displacement, both generically and specifically, in affected countries. It has evolved, at the request of the Commission and the General Assembly, into four main areas of work: developing a normative framework for the internally displaced and promoting the dissemination and application of the Guiding Principles; evaluating international and regional institutional arrangements for the internally displaced; undertaking country missions to evaluate conditions on the ground and dialogue with Governments and other actors; and, under the auspices of independent research institutions, carrying out research into various aspects of the problem of internal displacement, including acting occasionally as a "research arm" for relevant organizations of the United Nations system.

70. The Representative reports regularly on his activities to the Commission and the General Assembly, and of course to the Secretary-General himself. However, he does so as an independent expert outside the United Nations Secretariat. He thus exhibits a degree of flexibility in his analyses which facilitates his role as a catalyst and advocate for internally displaced persons.

71. The Network, by contrast, and, in due course, the OCHA Unit are intended to reinforce the role of the Emergency Relief Coordinator (ERC) in ensuring that United Nations agencies, in cooperation with Governments, better coordinate and improve the delivery of assistance and protection to internally displaced populations worldwide. While not operational in itself, the Network/Unit focus on the operational performance of agencies on the ground, examining the efficiency of the international response - in particular, issues of coordination - and reporting thereon to the ERC and the IASC.

72. While there are distinctive mandates and features in the work of the mandate of the Representative and the Network/Unit, their respective activities are also complementary and mutually reinforcing. Indeed, there are several areas in which cooperation can be strengthened. First, with regard to the promotion of the Guiding Principles, the Unit plans to use the Principles as an overarching framework for its work, and the Representative looks forward to close cooperation with the Unit in promoting the dissemination and application of the Principles and the Handbook for Applying the Guiding Principles. In particular, the following activities will be explored: the provision of training to United Nations field staff in an effort to operationalize the Principles (facilitated by the Unit); the convening of seminars and capacity building projects to reinforce these efforts (carried out by the Representative); and the dissemination and publication of the Principles and the Handbook in different languages (carried out jointly).

73. Second, in terms of institutional cooperation, the Representative welcomes the efforts of the Network/Unit to improve coordination of United Nations agencies and in particular to remedy gaps in the delivery of protection and assistance to internally displaced persons. To strengthen cooperation between the mandate and the Network/Unit, the Representative has sent members of his office on two country missions of the Network, as already noted, and plans to second a staff member to work in the Unit.

74. Third, with regard to cooperation on country missions, the Representative and the Unit plan to coordinate the selection and sequencing of the countries to be visited, according to comparative advantage. This will allow one to pave the way for and build upon the experience of the other. The nature of the reports they prepare will differ according to the requirements of the Commission and the General Assembly, on the one hand, and those of the inter-agency operational mechanisms on the other.

75. Depending on the sequencing of their missions, the Representative and the Unit plan to make use of each other's reports and follow up on their findings and recommendations. For example, the Network's missions to Angola and Colombia followed the Representative's missions to those countries and were able to build upon the Representative's findings.

76. In addition to his missions to countries deemed to be complex emergencies by the United Nations system, the Representative has felt it necessary to visit other countries which may be attracting little attention but where the problems of displacement may be significant. This can supplement the work of the Unit. When agencies find it useful, they also call upon the Representative to visit a particular country, as was done when the IASC requested the Representative to visit Burundi in 2000 to reinforce its message on *regroupement*. Operational agencies on the ground often find the intervention of an ombudsman-like figure from outside the country team to be an effective way of articulating the international community's concerns to a Government without jeopardizing their working relationship with that Government.

77. Finally, in terms of coordinating studies and information sharing, through participation in the Network and planned participation in the Unit, the Representative's office has provided and will continue to provide information and guidance for missions and sometimes staff support, whereas the Unit will provide an inter-agency forum and operational expertise on coordination issues. Both the mandate and the Unit plan a mutual exchange of information on specific country situations, especially in the preparation of missions.

78. The mandate and the Unit can also cooperate in the development of IASC policy on internal displacement and in overall research so that the findings of both reinforce one another. To date, the Representative, together with the Emergency Relief Coordinator and the High Commissioner for Human Rights, has played a major role in the development of the IASC policy on protection of internally displaced persons and, together with UNICEF, contributed a study to the IASC on the extent to which internally displaced persons are included within the Consolidated Appeals Process. In addition, the Representative and the senior coordinator have embarked upon joint advocacy efforts, issuing in November 2001 a joint press statement on the situation in Afghanistan, calling for immediate humanitarian access to the displaced and other vulnerable groups.[6]

79. Both the Representative and the Network/Unit benefit from the country analyses of the Global IDP Database (managed by the Norwegian Refugee Council), the establishment of which was a long-standing recommendation of the Representative.

80. In the final analysis, it should be reiterated that both the mandate and the Network/Unit seek to complement and reinforce one another in raising awareness of Governments and the international community to the plight of millions of internally displaced persons and their urgent

need for protection and assistance. For the most part, the mandate and the Network/Unit have distinct characteristics. However, a degree of overlap is inevitable and even desirable in reinforcing efforts on behalf of internally displaced populations.

III. COUNTRY FOCUS

81. Country missions continue to constitute a crucial part of the work of the Representative. Undertaking such missions provides an opportunity to study the situation of the internally displaced, to assess the effectiveness of national and international responses in addressing their protection, assistance and development needs and, most importantly, to engage in a solutions-oriented dialogue with the authorities and other actors. The missions also provide an opportunity for the Representative to discuss the Guiding Principles with Governments, intergovernmental organizations and non-governmental organizations, something which both the Commission on Human Rights and the General Assembly have welcomed and encouraged.

82. To date, the Representative has undertaken 21 country missions, to Angola, Armenia, Azerbaijan, Burundi (twice), Colombia (twice), East Timor, El Salvador, Georgia, Indonesia, Mozambique, Peru, Rwanda, the Russian Federation, Somalia, Sri Lanka, the Sudan (twice), Tajikistan and the former Yugoslavia. Since his last report to the Commission, the Representative visited the Sudan and Indonesia in September 2001, detailed reports on which are submitted to this session of the Commission as addenda 1 and 2 to the present report.

83. The objective of the Representative's visit to the Sudan was to dialogue with the authorities and representatives of the international community on the problem of internal displacement in the Sudan with a view to laying the foundations for an enhanced governmental response to the problem, in cooperation and with the support of the international community. Indeed, with an internally displaced population currently estimated to be in excess of 4 million people, the Sudan has not only the largest displaced population in Africa but in the world. In his discussions with government officials the Representative, who is himself Sudanese, noted that as the country most affected by internal displacement, the Sudan has much to gain from being seen to be taking the lead on this issue, in particular at the national level, in responding to the protection and assistance needs of its own uprooted citizens and also at the international level in advocating for the cause of the internally displaced. Moreover, the Representative felt that express and enhanced commitment to the issue by the Government would likely stimulate a similar response from the donor community.

84. To this end, the Representative discussed with the Government the development of a national policy and strategy on internal displacement, including the establishment of a national focal point and institution with an express mandate for meeting the needs of all those affected. The Representative was very well received and, in addition to field visits, he had discussions with government authorities at all levels, including the President and the First Vice-President. Members of the Government expressed support for the approach he proposed and agreed to undertake a comprehensive study, which would review current government policy and develop cooperative strategies in light of the Guiding Principles on Internal Displacement and United Nations institutional arrangements. The Government agreed also to use the study as the background document for an international conference to be held next year in Khartoum which would provide a forum in which the Government, United Nations agencies, international and

non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community.

85. The Representative's mission to Indonesia, where there are more than 1 million internally displaced persons, aimed to initiate a dialogue with the authorities responsible for the adoption and implementation of policies to assist and protect internally displaced persons. The Representative met with the Vice-President of the country and other senior officials. His overall assessment of the situation, in particular the gaps in and obstacles impeding the delivery of assistance and protection, is set forth in his report to the Commission (see addendum 2). Specific recommendations to address the root causes of displacement, and to ensure that the Government's new policy is translated into comprehensive and well coordinated programmes of assistance and protection, with particular focus on durable solutions, are also presented. The Representative's mission also discussed the recommendations of the above-mentioned seminar on internal displacement (see addendum 3) which called for more concerted efforts by the Government to address the needs of internally displaced persons, in particular the establishment of effective national institutional arrangements, the creation of an information system, measures to address the specific needs of women and children, the enhancement of safety and protection, steps to rebuild trust and solidarity among different ethnic and religious groups, an expanded role for international organizations and NGOs, and the wide dissemination and application of the Guiding Principles.

86. It is hoped that the recommendations emanating from these and previous country missions will be given due regard by the Governments concerned and by the international community and will be implemented. The Commission has stressed the importance of appropriate follow-up by Governments and by the relevant parts of the United Nations system. The resident/humanitarian coordinators have a particular responsibility for ensuring that the recommendations are duly considered by the country team and for providing updated information on their implementation.

87. In this regard, the Representative would note that follow-up efforts have been undertaken subsequent to his missions to Azerbaijan, Angola and the Sudan. However, the potential exists for much broader and more systematic follow-up in these and other countries visited. In a number of countries to which he has undertaken missions, there exist focal points with specific responsibility for monitoring the situation of displaced persons and who could be requested to provide relevant information to the Representative if they are not yet doing so. In countries to which the Representative has conducted official visits and in which there is a human rights field presence under the auspices of OHCHR, the Department of Political Affairs or the Department of Peacekeeping Operations, the reports they submit to the Commission, the General Assembly or the Security Council could usefully and systematically include information on the situation of internally displaced persons, if this is not yet the case. Concerns regarding the plight of internally displaced persons have been consistently raised in resolutions of the Commission and the General Assembly in regard to specific countries or regions. Again, the Representative would urge that information regarding internal displacement in the relevant countries be systematically included in reports submitted pursuant to these resolutions as well.

88. The Representative, for his part, plans to undertake in the current phase of his mandate a systematic review of the recommendations of all his country missions and will report to the Commission thereon. The particular plight of internally displaced women and children, whose concerns the Representative regularly reports on, will be given special attention in this review.

89. Looking ahead, plans are being developed for a number of country visits to be undertaken during the year 2002. In particular, the Representative hopes to reschedule missions to the Philippines and Turkey which were initially to take place in June and October 2001, respectively, but which he was forced to postpone due to unforeseen circumstances. The Representative has received an invitation from the Government of Mexico to undertake a mission to that country during the course of 2002, and he remains hopeful that a positive response will be forthcoming to his outstanding request to undertake a second mission to the Russian Federation, in particular to Chechnya.

90. Pursuant to resolution S-5/1 adopted during the fifth special session of the Commission on Human Rights, held from 17 to 19 October 2000, the Representative wrote to the Government of Israel requesting a visit to the occupied Palestinian territories. However, a positive response was not forthcoming. In February 2001, the Representative was informed by the Permanent Observer Mission of Palestine in Geneva of the willingness of the Palestinian Authority to cooperate fully with the Representative in providing him with any information or assistance needed to facilitate such visit by the Representative.

IV. EXPLORING NEW ISSUES

91. Although the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it is largely complete, there remain issues on which additional research and consideration are required.

92. In response to a recent request by OCHA to explore the question of when internal displacement ends, the Representative plans to call together experts and representatives of international organizations and NGOs to examine the issue and come up with practical guidance.

93. A number of additional issues were referred to in the Representative's last report to the Commission on which research is continuing. One concerns national responsibility in situations of internal displacement. Given that the primary responsibility for meeting the protection and assistance needs of the internally displaced rests with the national authorities of the State concerned, the Brookings-CUNY Project is carrying out a comparative analysis of national responses to situations of internal displacement with a view to promoting more effective policies and programmes at the national level and simultaneously helping to guide the most appropriate international response.

94. As a follow-up to the International Colloquy on the Guiding Principles, held in Vienna in 2000, a review is also under way of the activities of regional organizations in regard to internally displaced persons with a view to identifying the most effective roles for those organizations in addressing situations of internal displacement.

95. Research into the role of peacekeeping forces vis-à-vis internally displaced populations is also being undertaken. Specifically, the Brookings-CUNY Project is seeking to determine the ways in which peacekeeping forces can better support the assistance and protection needs of internally displaced persons in those locations where they are deployed.

96. The Brookings-CUNY Project, together with the Migration Policy Institute based in Washington, DC, is also concentrating on the development of a more comprehensive protection regime for refugees and internally displaced persons. There are concerns in refugee circles that extending protection to the internally displaced will prevent persons from fleeing their countries and undermine their right to asylum, the keystone of refugee protection. The Project is undertaking research into the tensions that exist with a view to developing policy responses that might better integrate the protection concerns of both groups into a comprehensive regime.

V. CONCLUSION

97. In the 10 years since the Commission decided to request the Secretary-General to appoint a representative on the issue of internal displacement, significant progress has been made in recognizing and responding to the global crisis of internal displacement and in developing normative and institutional frameworks for protecting and assisting those affected. In many parts of the world, however, protecting and assisting large numbers of people in desperate situations is still a neglected concern or an unfulfilled aspiration at best.

98. While the Guiding Principles have been well received at the rhetorical level, their implementation remains problematic, and often rudimentary. In addition, some Governments, admittedly a minority, question the manner in which the Principles were developed, even though they acknowledge their sources in human rights law, humanitarian law and analogous refugee law as authoritative. Institutional arrangements appear well conceived at United Nations Headquarters and at the relevant agencies and, to a degree, in the capital cities of the affected countries. The Senior Inter-Agency Network and the Unit on Internal Displacement at OCHA are certainly promising. But they still have to operationalize the collaborative approach in a manner that actually delivers both effective protection as well as assistance to the needy populations on the ground. And while the Representative and other pertinent organs of the United Nations and the international community engage in constructive dialogue with Governments on behalf of their affected populations, some Governments deny access not only to the displaced, but also to their countries altogether.

99. There is, therefore, still an urgent need for the international community to take the crisis of internal displacement very seriously and to respond commensurately. This is not only a human rights and humanitarian problem; it is a security problem that threatens the core of the affected countries, their subregions and, ultimately, the international community.

100. We cannot afford to be complacent in the face of this challenge. We must go beyond congratulating ourselves for what has so far been achieved - although it is important to appreciate the progress made as a foundation for more vigilant action. The international community is called upon to consolidate and strengthen its support for the Guiding Principles as a document that builds credibly on existing standards. To the extent that the Principles postulate the primary responsibility of the State in the context of international partnership for the affected

communities, they signify the overriding norms of sovereignty as a positive concept of State responsibility, which is increasingly recognized and upheld as a cardinal principle of the international system. We need to support and reinforce the initiative of those Governments that have endorsed the Principles, utilized them in their national legislation and administrative reforms and disseminated them widely, including in the local languages. We also need to support the work of regional organizations, several of which are beginning to integrate internal displacement and the Guiding Principles into their policies and programmes.

101. Institutionally, the collaborative arrangement and the coordinating role of the Emergency Relief Coordinator and OCHA also need to be made more effective in mobilizing the operational agencies to deliver protection and assistance to the needy populations. The real significance and long-term prospects of the Network and Unit can only be judged by their effectiveness in operationalizing coordination among the agencies that have the capacity to deliver assistance and protection, and to make sure that this is tangibly manifested on the ground.

102. The fact that the international community has now been seized with the global crisis of internal displacement raises the expectations and hopes of displaced populations around the world. To guard against hope turning into despair, the United Nations, which is the ultimate guarantor of human dignity on a global scale, needs to live up to its image and ensure international cooperation on behalf of the millions of internally displaced persons around the world, for whom there is no credible alternative.

Notes

[1] Subsequently issued as publication No. 9 in the Human Rights Study Series. United Nations publication, Sales No. E.97.XIV.2, 1998.

[2] See Declaration of Athens, adopted on 3 November 2001 by the Euro-Mediterranean National Institutions.

[3] See OSCE, Supplementary Human Dimension Meeting: Migration and Internal Displacement, Vienna, 25 September 2000, Final Report.

[4] See Report of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe concerning the conflict in Chechnya, document 8632, 25 January 2000.

[5] See Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe, Internal Displacement in Europe - Motion for a Recommendation, Council of Europe Doc. 9247, 8 October 2001.

[6] "United Nations officials concerned with internal displacement call for immediate humanitarian access to the displaced and other vulnerable groups in Afghanistan", OCHA press release, 16 November 2001.